

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

RODERICK L. IRELAND

Chief Justice

1. Court Submitting Rules for Approval:

Appeals Court

2. Date Rules Submitted for Approval:

March 24, 2011

3. Date Approved and Promulgated by the Supreme Judicial Court:

April 20, 2011

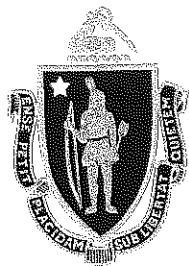
4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Adoption of Six Month Pilot Program Requiring Appellants to

File Docketing Statements in Civil Cases

Effective date: June 1, 2011

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



COMMONWEALTH OF MASSACHUSETTS
THE APPEALS COURT
BOSTON, MASSACHUSETTS 02108

PHILLIP RAPOZA
CHIEF JUSTICE

March 24, 2011

Honorable Francis X. Spina
Chair, SJC Rules Committee
Supreme Judicial Court
John Adams Courthouse
Boston, Massachusetts 02108

Re: Adoption of Pilot Program Requiring Appellants to File Docketing Statements in
Civil Appeals.

Dear Justice Spina:

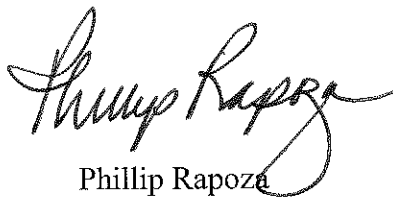
The Justices of the Appeals Court have proposed a pilot program requiring appellants to file docketing statements in all civil appeals.

The docketing statement will provide the court with important background information that will be useful not only when the case is entered and screened, but also while it is under consideration. The pilot program, in turn, will help us to refine the format of the form and to determine if any adjustments are required. During the course of the pilot, the docketing statement will be posted on the Appeals Court website as a PDF form that will have drop-down menus, calendars, and text that will automatically fill in certain information. Attorneys and litigants will be able to complete and save the form and then file it by e-mail. A copy of the docketing statement is attached for your review. I will also forward to you an electronic PDF copy to provide you the opportunity to review its various features.

The Appeals Court solicited public comment on the proposed pilot program and several comments were received. After reviewing those comments, we have removed the requirement of a statement of anticipated issues in child welfare appeals. Finally, the court proposes that the pilot program requiring docket statements in civil appeals run for a six month period.

I respectfully request that the Supreme Judicial Court approve the adoption of this pilot program, to begin on June 1, 2011.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Phillip Rapoza", written in a cursive style.

Phillip Rapoza

PR/md

Enclosure

cc: Joseph Stanton, Clerk

REVISED

MASSACHUSETTS APPEALS COURT

John Adams Courthouse
One Pemberton Square, Suite 1200
Boston, MA 02108
(617) 725-8106

<http://www.mass.gov/courts/appealscourt/>

PILOT PROGRAM CIVIL DOCKETING STATEMENT INSTRUCTIONS

1. Counsel representing an appellant shall file a docketing statement for every case appealed or cross-appealed to the Massachusetts Appeals Court using the form published on the Appeals Court's website. It must be received by the Appeals Court's Clerk's Office within fourteen days after the Appeals Court issues the "Notice of Entry" of the appeal. The docketing statement shall be filed by e-mailing the completed form to emotions@appct.state.ma.us. The subject line of the e-mail and the docketing statement's file name shall consist of (a) an abbreviated docket number, e.g. 11P0023 (i.e., a two digit year followed, without a space, by a "P" followed, again without a space, by the last four digits of the docket number); (b) followed by a hyphen; (c) followed by a description of the filing containing no more than 56 characters, indicating what it is and who filed it, for example, "11P0023-Docketing Statement Jason Jones.pdf". Upon motion and a showing of good cause, the court can allow a paper copy to be filed by first-class mail or hand delivery.
2. In the case of multiple appellants represented by separate counsel, each counsel for an appellant shall file a separate docketing statement. Counsel representing multiple appellants shall file one docketing statement on behalf of all appellants represented by that counsel.
3. Incarcerated self-represented appellants are not required to file a docketing statement at this time.
4. All fields and the certificate of service must be completed. If inadequate space has been provided for the information requested, please provide the additional information in an attachment.
5. The appellant shall provide a short statement of the anticipated issue(s) on appeal. Failure to identify an appellate issue in this docketing statement will not preclude the appellant or cross-appellant from raising that issue in its principal brief. Appellants in child welfare appeals are exempt from this requirement.
6. The docketing statement and certificate of service may be signed electronically by the person filing the docketing statement. The proper format for an electronic signature is "/s/" followed by the name of the filer. E.g. "/s/ Jason Jones." Upon agreement between the parties, service of this docketing statement by electronic mail will be deemed in compliance with Mass.R.A.P. 13(c).
7. If the appellant fails to file the docketing statement, the court can decline to act on any motion to enlarge time to file a brief or a motion to stay appellate proceedings, until the appellant has filed the docketing statement.
8. For the purposes of this form, the term "impounded" includes any portion of the record that is impounded, sealed, or deemed confidential or excluded from public access by statute, court order, rule, or standing order.

Important Requirements for the Filing of the Brief and Record Appendix

9. Parties filing a brief or record appendix that contains impounded material must comply with M.R.A.P. 16(d), 16(m), and 18(g). If a brief or record appendix includes any items listed as "personal identifying data" in the S.J.C.'s Interim Guidelines on Personal Identifying Data, the parties shall comply with the guidelines in all filings with the Appeals Court.
10. Mass.R.A.P. 18(b) encourages the parties to agree as to the contents of the appendix. In the absence of agreement, Rule 18(b) requires the appellant to serve on the appellee a statement of the issues and a designation of the parts of the record which the appellant intends to include in the appendix, to which the appellee can designate additional parts of the record.

**MASSACHUSETTS APPEALS COURT
CIVIL DOCKETING STATEMENT**

Caption used in the trial court _____

Docket Number -P-

Plaintiff(s): _____

vs. _____

Defendant(s): _____

Party Information

Name of the appellant(s) on whose behalf this statement is being filed:

Attorney Information

Name _____ BBO# _____

☐ Or, check this box if you are self-represented and provide your name _____

Trial Court, Board or Agency Information

Court Department

Docket Number(s) _____

Specify the name and the role of each judge whose orders are at issue on appeal [not applicable for appeals directly from a board or agency]:

Judge, first and last name _____

Role

Judge, first and last name _____

Role

Judge, first and last name _____

Role

Was the case or any information in the record designated as impounded in the trial court? (see Instructions, # 8)

No

If the case is impounded or partially impounded, explain why and specify which documents are impounded:

Nature of the Case

Select the most appropriate description, or enter description:

Perfection of AppealIs the appeal from a final judgment, i.e., judgment disposing of all parties and claims? ☐ Yes ☐ No

If no, identify the basis on which the interlocutory order is immediately appealable.

Docketing Date of Judgment or Interlocutory Order Appealed

Date Notice of Appeal Filed

Type of Motion	Check if filed		Date Served (not date filed)
Motion for Judgment	<input type="radio"/> Yes	<input type="radio"/> No	
Motion to Amend or Make Additional Findings	<input type="radio"/> Yes	<input type="radio"/> No	
Motion to Alter or Amend Judgment	<input type="radio"/> Yes	<input type="radio"/> No	
Motion for New Trial	<input type="radio"/> Yes	<input type="radio"/> No	
Other (specify) _____	<input type="radio"/> Yes	<input type="radio"/> No	

Appellate Issues

Provide a short statement of the anticipated issue(s) on appeal (Note: This statement is for informational purposes only and failure to raise an issue here will not preclude an appellant from raising additional or more specific issues in its brief. Appellants in child welfare appeals are exempt from this requirement):

Related AppealsAre there any pending, past, or anticipated future appeals or original appellate proceedings that involve these parties or this case which have been entered in the Appeals Court or Supreme Judicial Court? ☐ Yes ☐ NoDo you know of any pending appeals raising related issues? ☐ Yes ☐ No

If you answered yes to either question, provide the case name and docket number and describe below the related matter or issue:

Respectfully Submitted,

Signature

Address

BBO Number

CERTIFICATE OF SERVICE

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under the penalties of perjury, that on this date of _____
I have made service of a copy of the "Massachusetts Appeals Court Docketing Statement filed on behalf of

_____, " upon the attorney of record for each party, or if the party
has no attorney then I made service directly to the self-represented party, by ☐ hand delivery ☐ first class mail ☐ e-mail
to the following person(s) and address(es). Note: Service may only be made by e-mail with consent of opposing counsel:

Signature

Telephone

Address